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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,199	11/13/2003	Michael D. Levin	IMM054B	8281

34300 7590 12/13/2004

PATENT DEPARTMENT (51851)  
KILPATRICK STOCKTON LLP  
1001 WEST FOURTH STREET  
WINSTON-SALEM, NC 27101

EXAMINER

NELSON, ALECIA DIANE

ART UNIT	PAPER NUMBER
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2675

DATE MAILED: 12/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/712,199

Applicant(s)

LEVIN ET AL.

Examiner

Alecia D. Nelson

Art Unit

2675

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 51-66 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 51-66 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Double Patenting*

2. **Claims 51-66** are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over **claims 1-6, 8, 10, 15-25, 28-34, and 67-69 of U.S. Patent No. 6,154,201**. Although the conflicting claims are not identical, they are not patentably distinct from each other. **Claims 1-6, 8, 10, 15-25, 28-34, and 67-69** of the patent recite the limitations of **claims 51-66** of the instant application. Specifically a manipulandum, a sensing means, a mode selection means, an actuator, a processor, the multiple degrees of freedom of the manipulandum, the type of switches used for the sensing means, the different control modes and the multiple types of forces applied during operation of each of the modes, as well as the usage of multiple processor control, are all disclosed in the patent.
3. **Claims 51-66** are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over **claims 1-7, 11-16, 19-22, 25-30, 32, 33, 35, 38, and 41-68 of U.S. Patent No. 6,686,911**. Although the conflicting claims are not identical, they are not patentably distinct from each other. **Claims 1-7, 11-16, 19-22,**

**25-30, 32, 33, 35, 38, and 41-68** of the patent recite the limitations of **claims 51-66** of the instant application. Specifically a manipulandum, a sensing means, a mode selection means, an actuator, a processor, the multiple degrees of freedom of the manipulandum, the type of switches used for the sensing means, the different control modes and the multiple types of forces applied during operation of each of the modes, as well as the usage of multiple processor control, are all disclosed in the patent

4. **Claims 51-66** are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over **claims 1, 4, 10,12-15, 17, 21-24, 26-28, 31, 35-37, 39, 40, and 42-44** of **U.S. Patent No. 6,128,006**. Although the conflicting claims are not identical, they are not patentably distinct from each other. **Claims 1, 4, 10,12-15, 17, 21-24, 26-28, 31, 35-37, 39, 40, and 42-44** of the patent recite the limitations of **claims 51-66** of the instant application. Specifically a manipulandum, a sensing means, a mode selection means, an actuator, a processor, the multiple degrees of freedom of the manipulandum, the different control modes and the multiple types of forces applied during operation of each of the modes are all disclosed in the patent

5. **Claims 51-66** are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over **claims 19 and 25** of **U.S. Patent No. 6,061,004**. Although the conflicting claims are not identical, they are not patentably distinct from each other. **Claims 19 and 25** of the patent recite the limitations of **claims**

**51-66** of the instant application. Specifically a manipulandum, a sensing means, a mode selection means, an actuator, a processor, the multiple degrees of freedom of the manipulandum, the different control modes and the multiple types of forces applied during operation of each of the modes are all disclosed in the patent

6. **Claims 51-66** are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over **claims 1-4,17-20, 25, 35-39, 41, 51-54, 56, 59, and 60** of **U.S. Patent No. 5,825,308**. Although the conflicting claims are not identical, they are not patentably distinct from each other. **Claims 1-4,17-20, 25, 35-39, 41, 51-54, 56, 59, and 60** of the patent recite the limitations of **claims 51-66** of the instant application. Specifically a manipulandum, a sensing means, a mode selection means, an actuator, a processor, the multiple degrees of freedom of the manipulandum, the different control modes and the multiple types of forces applied during operation of each of the modes are all disclosed in the patent

### **Conclusion**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alecia D. Nelson whose telephone number is (703) 305-0143. The examiner can normally be reached on Monday-Friday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Saras can be reached on (703) 305-9720. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

adn/ADN  
December 10, 2004

AMR A. AWAD  
PRIMARY EXAMINER

